



# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
 **DUPPLICATE**

|  |                        |                   |
|--|------------------------|-------------------|
| ADDRESS TO:<br><br>Assistant Commissioner for Patents<br>Box CPA<br>Washington, DC 20231 | Attorney Docket No.    | 203442025701      |
|  | First Named Inventor   | Hunein F. Maassab |
|  | Express Mail Label No. | EL053906763US     |
|  | Total Pages            | 4                 |

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JUN 15 1998

GROUP 1800

This is a request for a  continuation or  divisional application under 37 CFR 1.53(d),  
(continued prosecution application (CPA)) of prior application number 08/573,569,  
filed on December 14, 1995, entitled Cold-Adapted Influenza Virus.

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), 1995, or (2) the national stage of an international application in compliance with 35 U.S.C. 371.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under CFR 37 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

- Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application.
- A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....  
.....
  - The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - PTO-1449
  - Copies of IDS Citations

05/12/1998 RMAGAT 00000058 08573569  
01 FC-281  
02 FC-202

| CLAIMS | (1) FOR  | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE    | (5) CALCULATIONS                       |
|--------|--|------------------|------------------|-------------|--|
|        | TOTAL CLAIMS<br>(37 CFR 1.16(c))   | 16-20 =          | 0                | X \$22.00 = | \$0                                    |
|        | INDEPENDENT CLAIMS<br>(37 CFR 1.16(b))                                     | 5-3 =            | 2                | X \$82.00 = | \$164.00                               |
|        | MULTIPLE DEPENDENT CLAIMS<br>(if applicable) (37 CFR 1.16(d))              |                  |                  |             | + \$270.00 = \$                        |
|        |  |                  |                  |             | BASIC FEE<br>(37 CFR 1.16(a)) \$790.00 |
|        |  |                  |                  |             | Total of above Calculations = \$954.00 |
|        | Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28). |                  |                  |             | \$477.00                               |
|        |  |                  |                  |             | TOTAL = \$477.00                       |

6. Small entity status:

- a.  A small entity statement is enclosed.
- b.  A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- c.  Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to  
Deposit Account No. 03-1952 (reference docket no. 203442025701):

- a. Fees required under 37 CFR 1.16.
- b. Fees required under 37 CFR 1.17.
- c. Fees required under 37 CFR 1.18.
- 8.  A check in the amount of \$952.00 is attached in payment of the filing fee (\$477) and the three month extension fee (\$475).
- 9.  Other: Petition for Extension of Time, post card receipt .....

**NOTE:** The prior application's correspondence address will carry over to this CPA  
UNLESS a new correspondence address is provided below.

**10. NEW CORRESPONDENCE ADDRESS**

Antoinette F. Konski  
Registration No. 34,202

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Dated: June 9, 1998

Respectfully submitted,

By: Antoinette F. Konski  
Antoinette F. Konski

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

Express Mail Label No.: EL053906763US

Date of Deposit: June 9, 1998

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Mary R. Zimmerman